Case: 4:12-cv-00361-AGF Doc. #: 88 Filed: 06/14/12 Page: 1 of 4 PageID #: 369

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI

| SCOTT D. McCLURG, et al., |) NOTICE OF VOLUNTARY |
|----------------------------|-------------------------------|
| |) DISMISSAL PURSUANT TO |
| Plaintiffs, |) $F.R.C.P 41(a)(1)(A)(i)$ |
| |) |
| V. |) Case No. 4:12-cv-00361- AGF |
| |) |
| MI HOLDINGS, INC., et al., |) |
| |) |
| Defendants. |) |

PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL AGAINST P. & H. CONSTRUCTION CO. PURSUANT TO F.R.C.P. 41(a)(1)(A)(i)

Pursuant to F.R.C.P. 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the Plaintiffs, Scott D. McClurg; Tracy L. McCarty; Decedent Larry Crum, through his heirs Tracy L. McCarty, Ron Crum, Jodi Meyer, and Deanna Luss, and Tracy L. McCarty as Personal Representative for the Estate of Larry Crum; Stacy Blodgett; Talayna Marco; Holly Coil; Gail Moore; William N. Crump; Antonio Meglio; Christopher Cameron; Decedent Patricia A. Deubel, through her heirs Mary Shannon, Daniel Deubel, Kathleen Urbanowicz, and Carol M'Sheehy, and Mary Shannon as Personal Representative for the Estate of Patricia A. Deubel; Walter P. Sieckmann, Sr.; and William B. Donaldson, hereby give notice that the above-captioned action is voluntarily dismissed, without prejudice against Defendant P. & H. Construction Co.

Dated: June 14, 2012

Respectfully submitted,

/s/ Eric J. Carlson

Eric J. Carlson, #47423MO

NAPOLI BERN RIPKA SHKOLNIK & ASSOCIATES LLP Fifth Avenue, Suite 7413 New York, NY 10118 (212) 267-3700

KEN BRENNAN LAW, P.C. Kenneth J. Brennan, #87229 350 502 West Main Street Collinsville, IL 62234 (618) 343-4222 Case: 4:12-cv-00361-AGF Doc. #: 88 Filed: 06/14/12 Page: 2 of 4 PageID #: 370

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IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI

| SCOTT D. McCLURG, et al., |) | |
|----------------------------|---|-----------------------------|
| Plaintiffs, |) | |
| v. |) | Case No. 4:12-cv-00361- AGF |
| MI HOLDINGS, INC., et al., |) | |
| Defendants. |) | |

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2012, I electronically filed Plaintiffs' Notice of Voluntary Dismissal Against P. & H. Construction Co. with the Clerk of Court using the CM/ECF system which will send notification of such filling to the following:

The following is the list of **parties** who are currently on the list to receive e-mail notice/service for this case:

- David R. Erickson <u>derickson@shb.com</u>
- Gerald P. Greiman ggreiman@spencerfane.com
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- Steven D. Davis sdavis@torhoermanlaw.com

The following is the list of <u>parties</u> who are NOT currently on the list to receive e-mail notice/service for this case and have been notified manually:

Alex S. Polonsky Arnold B. Fagg Morgan and Lewis, LLP 1111 Pennsylvania Avenue, NW Washington, DC 20004

Brian M. Hom Deanne L. Miller Morgan and Lewis, LLP 300 S. Grand 22^{nd} Floor Los Angeles, CA 90071

_/s/ Eric J. Carlson